

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**CASEY ELAINE SMALLWOOD,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO. 1:18CV188  
(Judge Keeley)**

**COMMISSIONER OF SOCIAL  
SECURITY ADMINISTRATION,**

**Defendants.**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
[DKT. NO. 3] AND DISMISSING CASE WITHOUT PREJUDICE**

---

On October 4, 2018, the plaintiff, Casey Elaine Smallwood ("Smallwood"), through counsel, filed a complaint seeking review of a final decision of the Social Security Administration (Dkt. No. 1). The Court referred the action to United States Magistrate Judge James P. Mazzone for initial screening and a report and recommendation ("R&R") in accordance with its local rule 9.02 and 28 U.S.C. § 636(b).

On February 10, 2020, Magistrate Judge Mazzone entered an Order to Show Cause, ordering the plaintiff to effect service and file proof of service or to show cause for failure to do so no later than March 10, 2020 (Dkt. No. 2). See LR Gen P 5.06( c); Fed. R. Civ. P. 4(m). Magistrate Judge Mazzone specifically warned Smallwood that failure to comply with the order could result in a recommendation that the action be dismissed without prejudice.

**ORDER ADOPTING REPORT AND RECOMMENDATION  
[DKT. NO. 3] AND DISMISSING CASE WITHOUT PREJUDICE**

---

Smallwood did not respond to the order by either providing proof that she had served the defendant with her complaint or showing good cause for her failure to do so. Accordingly, on March 13, 2020, Magistrate Judge Mazzone entered an R&R, recommending that the Court dismiss the complaint without prejudice due to Smallwood's failure to effect service and specifically warning Smallwood the failing to object to the R&R would result in a waiver of her right to appeal the ruling (Dkt. No. 3).<sup>1</sup> Smallwood has not filed objections to the R&R.

Following careful review of the record, and finding no clear error, the Court **ADOPTS** the R&R in its entirety (Dkt. No. 3) and **DISMISSES** Smallwood's complaint without prejudice.

It is so **ORDERED**.

The Court **DIRECTS** the Clerk to transmit a copy of this order to counsel of record by electronic means.

Dated: March 30, 2020.

\_\_\_\_\_  
/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE

---

<sup>1</sup> The failure to object to the R&R not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issues presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).